UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.145
21 February 2001

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

Egypt

1. At its 679th and 680th meetings (see CRC/C/SR. 679 and 680), held on 15 January 2001, the Committee on the Rights of the Child considered the second periodic report of Egypt (CRC/C/65/Add.9), which was received on 18 September 1998, and adopted* the following concluding observations.

A. Introduction

2. The Committee notes that the second periodic report was prepared according to the Committee's guidelines for reporting. The Committee regrets, however, that the report is essentially legalistic and does not provide a self-critical evaluation of the prevailing situation of the exercise of children's rights in the country. The Committee appreciates the detailed written replies to the list of issues and the provision of additional documentation. It further notes with appreciation the presence of a high-level delegation, which contributed to an open and frank dialogue.

---

* At the 697th meeting, held on 26 January 2001.

B. Follow-up measures undertaken and progress achieved

3. The Committee welcomes the adoption of the 1996 Children's Code and the declaration of the Second Decade for the Protection and Welfare of the Egyptian Child (2000-2010), which continue to demonstrate the commitment of the State party to realizing its obligations under the Convention.

4. The Committee welcomes the ratification by the State party in 1999 of the Minimum Age Convention (No. 138) of the International Labour Organization

5. The Committee welcomes the timely submission of the National Report on the Follow-up to the 1990 World Summit for Children, which indicates significant achievements, particularly with respect to infant/child mortality rates and immunization, while acknowledging shortcomings in other areas.

C. Factors and difficulties impeding the implementation of the Convention

6. Noting the universal values of equality and tolerance inherent in Islam, the Committee observes that narrow interpretations of Islamic texts by authorities, particularly in areas relating to family law, are impeding the enjoyment of some human rights protected under the Convention.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Previous concluding observations

7. The Committee is concerned that many of the concerns and recommendations (CRC/C/15/Add.5) it made upon consideration of the State party's initial report (CRC/C/3/Add.6) have been insufficiently addressed. The Committee notes that many of the same concerns and recommendations are made in the present document.

8. **The Committee urges the State party to make every effort to address those recommendations from the concluding observations of the initial report that have not yet been implemented and to address the list of concerns contained in the present concluding observations on the second periodic report.**

Reservation

9. The Committee observes that the State party's reservation to articles 20 and 21 of the Convention is unnecessary. It points out that article 20 (3) of the Convention expressly recognizes kafalah of Islamic law as a form of alternative care. Article 21 expressly refers to those States that "recognize and/or permit" the system of adoption, which does not apply to the State party because it does not recognize the system of adoption.

10. **The Committee recommends that the State party continue its efforts to consider withdrawal of its reservation to articles 20 and 21 of the Convention, in accordance with the Vienna Declaration and Plan of Action of the World Conference on Human Rights (1993).**

Coordination

11. The Committee notes the efforts to improve the effectiveness of the National Council of Childhood and Motherhood (NCCM) in monitoring and coordination to implement the Convention. Nevertheless, the Committee is concerned that administrative coordination and cooperation at the national and local levels of government remain inadequate.

12. **The Committee recommends that the State party continue to improve intersectoral coordination and cooperation at and between national and local levels of government. It further recommends that the State party provide adequate support to local authorities, including development of professional capacity, for implementation of the Convention. Moreover, the Committee recommends that the State party pursue the preparation and development of a comprehensive national plan of action to implement its obligations under ratified international human rights treaties, including the Convention, through an open and consultative process, in accordance with the Vienna Declaration and Programme of Action (para. 71).**

Civil Society

13. Noting efforts to increase collaboration with non-governmental organizations, including efforts to establish an NGO liaison office in the secretariat of the NCCM, as well as the recent draft legislation on NGOs, the Committee is still concerned that insufficient efforts have been made to involve civil society in the implementation of the Convention.

14. **The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, including with respect to civil rights and freedoms. The Committee recommends that the State party consider a systematic approach to involving civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making. In this regard, the Committee recommends that the State party ensure that legislation regulating NGOs conforms to international standards on freedom of association, as a step in facilitating and strengthening their participation. The Committee recommends that greater efforts be made to involve relevant State actors, such as local government officials and the police, in the dialogue with civil society and encourages the State party to support initiatives aimed at strengthening the role of civil society.**

Data collection

15. While noting that the analysis of data is an essential function of the NCCM, the Committee is concerned that disaggregated data on persons under 18 years relating to the rights contained in the Convention are not systematically collected by the Central Agency for Public Mobilization and Statistics.

16. **The Committee recommends that the State party ensure that such data are systematically collected and regularly updated so that they can be analysed and used as a basis to assess progress and design policies for the implementation of the Convention. The Committee encourages the State party to seek technical assistance in this regard from, among others, UNICEF, if necessary.**

Monitoring

17. The Committee notes that in addition to intersectoral coordination, the NCCM is also the body responsible for monitoring progress in the implementation of the Convention, as well as for receiving complaints pertaining to violations of child rights. The Committee emphasizes the importance of establishing an independent mechanism with a mandate to monitor and evaluate progress achieved in the implementation of the Convention.

18. **The Committee encourages the State party to consider the establishment of an independent national human rights institution in accordance with the Paris Principles (General Assembly resolution 48/134) to monitor and evaluate progress in the implementation of the Convention at the national and, if appropriate, at the local levels. In addition, the institution should be empowered to receive and investigate complaints of violations of child rights in a child-friendly manner, and effectively address them. The Committee encourages the State party to seek technical assistance from the Office of the High Commissioner for Human Rights and UNICEF, among others.**

Dissemination of training on the Convention

19. The Committee is concerned at the low level of awareness among the general public of the Committee's previous concluding observations.

20. **The Committee recommends that the State party ensure that the concluding observations are widely disseminated not only among government agencies and professionals, but also among the public at large.**

21. Noting efforts undertaken by the NCCM to disseminate the provisions of the Convention amongst professionals working with and for children and among the general public, including children themselves, the Committee is nevertheless concerned at the low level of awareness of them and that the State party is not undertaking adequate dissemination and awareness-raising activities in a systematic and targeted manner.

22. **The Committee recommends that the State party strengthen its efforts in the dissemination of the Convention's provisions and of information regarding its**

implementation among children and parents, civil society, and all sectors and levels of government. Moreover, the Committee recommends that the State party strengthen its efforts to develop systematic and ongoing training programmes on the provisions of the Convention for all professional groups working with and for children (e.g. legislators, judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers). The Committee encourages the State party to seek technical assistance from the Office of the High Commissioner for Human Rights and UNICEF, among others, in this regard.

2. Definition of the child

23. In light of its previous concluding observations, the Committee is concerned at the very low age of criminal responsibility, which is set at 7 years.

24. **The Committee recommends that the State party consider raising the age of criminal responsibility.**

25. In light of its previous concluding observations, the Committee is concerned that the disparity between the minimum age for marriage for males (18) and females (16) provided in the 1923 Law on Marriage Age is discriminatory. The Committee is also concerned about early and forced marriages, primarily in rural areas.

26. **The Committee recommends that the State party raise the minimum age for marriage for females to that for males. In addition, the Committee recommends that the State party continue its efforts in respect of public education campaigns to combat early and forced marriages, particularly in rural areas.**

27. The Committee is concerned at the discrepancy between the definition of a child, contained in article 2 of the 1996 Children's Code, as a person under 18 years and the age of majority, set at 21 years in article 44 of the 1948 Civil Law.

28. **The Committee recommends that the State party harmonize its legislation in accordance with the Convention in order to avoid the situation where there are effectively two categories of minors: those under 18 years and those between 18 and 20 years of age.**

3. General principles

The right to non-discrimination

29. In light of its previous concluding observations, and taking note of the efforts by the State party to address discrimination, including the establishment of a gender unit within the NCCM as well as of the National Council for Women, and of the promulgation of Law No. 1 of 2000

concerning the regulation of certain rules and procedures relating to litigation in cases of personal status law, the Committee remains concerned at the persistence of discrimination. In particular:

(a) The Committee finds that discrimination against girls and children born out of wedlock under personal status laws (e.g. No. 25/1920, No. 25/1929, No. 260/1960, No. 100/1985, No. 77/1943) is incompatible with article 2. Notwithstanding constitutional and other guarantees of equality between the sexes, it considers that discriminatory personal status laws are the entry-point of discrimination against women in society. Moreover, the Committee is concerned that discriminatory social attitudes towards the education of girls, primarily in rural areas, result in their low school enrolment and high drop-out rates, and in early and forced marriages;

(b) The Committee finds that infringement of a child's rights under the Convention as a result of indirect discrimination, or discrimination against his or her mother, under personal status laws (e.g. in relation to child custody upon separation) is incompatible with article 2. Concerning the 1975 Nationality Law, the Committee is concerned at the negative impact on children of restrictions on the right of an Egyptian woman to pass on her nationality to her child, particularly if she is married to a non-national.

30. **In accordance with article 2 of the Convention, the Committee recommends that the State party take effective measures, including enacting or rescinding civil and criminal legislation where necessary, to prevent and eliminate discrimination on grounds of sex and birth in all fields of civil, economic, political, social and cultural life. In this regard, the Committee encourages the State party to consider the practice of other States that have been successful in reconciling fundamental rights with Islamic texts. In concurrence with the findings of the Committee on Economic, Cultural and Social Rights (E/C.12/1/Add.4), the Committee recommends that the State party remove all provisions of the Nationality Law which discriminate against women, and also against children. The Committee recommends that the State party take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family and train members of the legal profession, especially the judiciary, to be gender-sensitive. Religious leaders should be mobilized to support such efforts.**

31. In light of its previous concluding observations and taking note of efforts by the State party to combat poverty and its negative effects on children, the Committee remains concerned at the large disparities in the enjoyment of economic and social rights, particularly health and education, by children living in rural areas and regions lagging behind in socio-economic development.

32. **The Committee recommends that the State party take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention**

without discrimination, in accordance with article 2. The Committee recommends that the State party prioritize and target resources and social services for children belonging to the most vulnerable groups, especially in areas which lack basic services.

Best interests of the child

33. The Committee is concerned that in all actions concerning children, the general principle of the best interests of the child contained in article 3 of the Convention is not sufficiently taken into consideration, including in matters relating to family law (e.g. custody upon separation in article 20 of Law No. 25/1929 as amended, is determined by the child's age rather than the child's best interests and is discriminatory).

34. **The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein and taken into consideration.**

Respect for the views of the child

35. Taking note of efforts by the State party, including the convening of a children's parliament, the Committee is concerned that respect for the views of the child remains limited owing to traditional societal attitudes towards children in schools, the courts, and especially within the family.

36. **The Committee encourages the State party to promote and facilitate, within the family, the school, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention. In this regard, the Committee recommends that the State party develop skills-training programmes in community settings for teachers, social workers, and local officials to enable them to assist children to express their informed views and opinions and to have them taken into consideration. The Committee recommends that the State party seek assistance from UNICEF, among others.**

4. Family environment and alternative care

Violence/abuse/neglect/maltreatment

37. In light of articles 19 and 39 of the Convention, the Committee is concerned at the incidence of ill-treatment of children in schools despite its prohibition, and within the family. It is further concerned that domestic violence is a problem in Egypt and that this has harmful consequences on children.

38. **The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in the family, the schools, and in care institutions. The Committee recommends that these measures be accompanied by public education**

campaigns about the negative consequences of ill-treatment of children, and the promotion of positive, non-violent forms of discipline as an alternative to corporal punishment. Programmes for the rehabilitation and reintegration of abused children need to be strengthened. Moreover, adequate procedures and State mechanisms need to be established to: receive complaints in a child-friendly manner; monitor, investigate and prosecute instances of ill-treatment; and ensure that the abused child is not victimized in legal proceedings. The Committee recommends the training of teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment. Attention should be given to addressing and overcoming socio-cultural barriers that inhibit victims from seeking assistance. In concurrence with the Committee on Economic, Social and Cultural Rights, the Committee recommends that the State party take effective measures to combat domestic violence and criminalize marital rape. The Committee recommends that the State party seek assistance from UNICEF and WHO, among others.

5. Basic health and welfare

Children with disabilities

39. In light of its previous concluding observations, the Committee remains concerned at the situation of children with disabilities and that only a very small percentage receive specialized services.

40. **The Committee recommends that the State party review existing policies and practice in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with disabilities" (see CRC/C/69). The Committee recommends that the State party pursue the development of standardized definitions and terminology relating to disabilities for the purposes of collecting comprehensive data on these children. It encourages the State party to make greater efforts to promote community-based rehabilitation programmes and inclusive education; to address geographical disparities in the distribution of services (i.e. in rural areas, and regions such as Upper Egypt); to ensure the provision of services for children under four years, as well as severely mentally disabled children. The Committee encourages the State party to undertake greater efforts to make available the necessary resources and to seek assistance from UNICEF, WHO and relevant NGOs, among others.**

Right to health and health care

41. The Committee is concerned at the high incidence of anaemia and parasitic infections among children, particularly in rural areas.

42. **The Committee recommends that the State party improve its health infrastructure and continue to cooperate and seek assistance from UNICEF and WHO, among others.**

43. The Committee is concerned at the insufficient information available in relation to adolescent health, such as access to reproductive health services, STDs and HIV/AIDS prevention programmes, mental health counselling services and substance abuse education.

44. **The Committee recommends that the State party undertake a comprehensive study to understand the nature and extent of adolescent health problems and, with the full participation of adolescents, use this as a basis to formulate adolescent health policies and programmes. In light of article 24, the Committee recommends that adolescents have access to and be provided with reproductive health education and child-friendly counselling and rehabilitation services. The Committee recommends that the State party seek assistance from UNICEF and WHO among others.**

45. Taking note of the Government's 1996 decision to prohibit female genital mutilation and the 1997 ministerial decree banning this practice in Ministry of Health service outlets, as well as various efforts to educate the public about the harm caused by this practice, including campaigns in the media and in the curricula, the Committee is concerned that the practice is still widespread.

46. **The Committee, concurring with the Committee on Economic, Social and Cultural Rights, recommends that the State party address the issue of female genital mutilation as a matter of priority. In addition, the State party is urged to design and implement effective education campaigns to combat traditional and family pressures in favour of this practice, particularly among those who are illiterate.**

6. Education, leisure and cultural activities

Aims of education

47. In light of its previous concluding observations and taking note of significant efforts by the State party to improve education coverage, enrolment and retention levels and the inclusion of the Convention in the school curricula, the Committee remains concerned at the poor quality of education in general. The Committee is further concerned at the lack of success of literacy programmes for school drop-outs.

48. **The Committee encourages the State party to continue its efforts to pursue universal access to education, targeting the girl child and children belonging to the most vulnerable groups. It recommends that the State party undertake a process of curriculum reform which stresses the development of critical thinking and problem-solving skills. In relation to the literacy classes, the State party is encouraged to study the reasons for their poor success rates, paying attention, inter alia, to programme content, class scheduling, and negative social perceptions held by young people of such classes. The Committee encourages the State party to seek assistance from UNICEF, UNESCO and relevant NGOs, among others.**

7. Special measures of protection

Economic exploitation

49. In light of its previous concluding observations, and taking note of efforts by the State party to address child labour, the Committee remains concerned about this problem. Its main concerns are:

(a) There are insufficient comprehensive and accurate data available on children working in Egypt;

(b) Regulations governing working hours and exposure to hazardous conditions for children are not respected nor effectively enforced. In particular, that there is no effective inspection and supervision in the private sector, family enterprises, agricultural activities and domestic labour, precisely where child labour in Egypt is concentrated, in many cases involving hazardous conditions; and

(c) Eighty per cent of child labour is reportedly concentrated in the agricultural sector. Many of these children work long hours in dusty environments, without masks or respirators, receiving little or no training on safety precautions for work with toxic pesticides and herbicides. Moreover, seasonal work in agriculture is reportedly performed by children under 12 in State-run cooperatives (i.e. cotton pest management) despite this being contrary to the law.

50. **The Committee recommends that the State party establish an effective mechanism to collect disaggregated data on child labour, including violations, to serve as a basis for designing measures and evaluating progress in this area. The Committee recommends that the State party ensure that the minimum age for admission to employment is enforced. Employers should be required to have, and produce on demand, proof of age of all children working on their premises. The labour inspectorate should be strengthened to ensure effective monitoring and implementation of child labour standards in the private sector, family enterprises, agricultural activities and domestic labour, and it should be empowered to receive and address complaints of violations. The Committee further recommends that the State party continue its efforts to carry out campaigns to inform and sensitize the general public, especially parents and children, of work hazards and to involve and train employers, workers, members of civic organizations, government officials such as labour inspectors and law enforcement officials, and other relevant professionals. The Committee encourages the State party to continue its cooperation with relevant United Nations agencies, such as ILO and UNICEF, and NGOs. It recommends that the State party ratify ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.**

Commercial sexual exploitation

51. The Committee is concerned at the insufficient data and awareness of the phenomenon of commercial sexual exploitation of children in Egypt.

52. **The Committee recommends that the State party undertake a national study on the nature and extent of commercial sexual exploitation of children, and that disaggregated data be compiled and kept up to date to serve as a basis for designing measures, and evaluating progress. The Committee recommends that the State party review its legislation and ensure that it criminalizes the sexual exploitation of children and penalizes all offenders involved, whether local or foreign, while ensuring that the child victims are not penalized. The Committee recommends that the State party: ensure that domestic laws concerning the sexual exploitation of children are gender neutral; provide civil remedies in the event of violations; ensure that procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; include provisions to protect from discrimination and reprisals those who expose violations; and vigorously pursue enforcement. Rehabilitation programmes and shelters should be established for child victims of sexual abuse and exploitation. There is a need to adequately train personnel working with child victims. The Committee recommends that the State party carry out awareness-raising campaigns to sensitize and mobilize the general public on the child's right to physical and mental integrity and safety from sexual exploitation.**

Administration of juvenile justice

53. The Committee is concerned that status offences, such as begging and truancy, under article 96 of the Children's Code are in practice criminalized. Furthermore, the Committee is concerned at the absence of effective, child-friendly and independent complaints mechanisms for juvenile detainees, and that the right to social rehabilitative measures is not adequately guaranteed.

54. **The Committee recommends that the State party periodically review and assess the administration of juvenile justice, particularly the conformity of legislation and practice with articles 37, 39 and 40 of the Convention as well as with other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System. The Committee recommends that the State party repeal status offences such as begging and truancy; ensure separation of children from adults in pre-trial detention; establish effective independent complaints mechanisms; and develop facilities and programmes for the physical and psychological recovery and social reintegration of juveniles. The Committee recommends that the State party seek assistance from, among others, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.**

8. Optional Protocols

55. **The Committee encourages the State party to ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.**

9. Dissemination of reports

56. **Finally, the Committee recommends that, in accordance with article 44, paragraph 6, of the Convention, the second periodic report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report, along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.**